

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GREGORY V. SERIO,

Plaintiff,

-v-

DWIGHT HALVORSON INSURANCE
SERVICES, INC., *et ano*,

Defendants.

USDC SDNY
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DATE FILED: 12/3/04

Case No. 04-CV-3361 (KMK)

ORDER

KENNETH M. KARAS, District Judge:

On November 18, 2004, this Court ordered that defendants' motion to dismiss for lack of personal jurisdiction and improper venue and, in the alternative, motion to compel mediation, be converted to a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure. The Court also ordered that the parties were to provide supplemental briefing on certain issues, most importantly on whether the "Mediation and Venue" clause in Article 15 of the Limited Agency Agreement between the Frontier Insurance Company and Dwight Halvorson Insurance Services, Inc. applied to the claims brought under the Subscription and Shareholders Agreement and the Promissory Note between Platinum Indemnity, Ltd. and Food Service Insurance Managers, Inc. The Court set oral argument on defendants' motion for today.

At today's hearing, however, counsel for plaintiffs and defendants asserted that neither one of them received an e-mail notification of the Court's November 18, 2004 order through the ECF system. The Court then adjourned the argument until **2:30 p.m. on January 7, 2005**. The Court also reset the deadline for submission of supplemental briefs to **December 17, 2004**.


Accordingly, it is hereby

ORDERED that the parties shall submit supplemental briefs on the matters raised in the Court's November 18, 2004 order by **December 17, 2004**. It is further

ORDERED that counsel for the parties shall appear for oral argument on defendants' motion at **2:30 p.m.** on **Friday, January 7, 2005**.

SO ORDERED.

Dated: December 3, 2004
New York, New York



KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE